

Appl. No. : 09/750,742
Filed : December 28, 2000

REMARKS

This is in response to the Office Action mailed July 7, 2009. Previously presented Claims 1-60 are now all canceled. By this Response, Applicants have added new Claims 61-69.

Claim Rejections Under Section 112

The Examiner rejected Claim 51 under Section 112(2). As Applicants have canceled this claim, this rejection is now moot.

Claim Rejections Under Sections 102/103

The Examiner rejected Claims 47, 50 and 52 under 35 U.S.C. § 102(b) as being anticipated by Zeigert (USPN 5,332,076). The Examiner rejected Claims 48, 51 and 57-60 under 35 U.S.C. § 103(a) as being unpatentable over Ziegert in view of Fey and rejected Claims 53 and 55-56 as being unpatentable over Ziegert in view of Walker (USPN 6,113,495). Applicants assert that new Claims 61-69 are allowable over the prior art for the following reasons.

New Independent Claim 61

New Independent Claim 61 is directed to a single game station that advantageously serves two players and permits the presentation of multiple games to each of those players. In particular, Claim 61 recites a single game station that defines a single player station at opposing sides thereof. Each player station has a horizontal playing surface for accommodating game cards, at least two video displays associated with a console and capable of presenting at least two different games thereon,

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and at least one wager accepting device located in a housing and configured to accept wagers to play either or both of the at least two different games.

In this configuration, each individual player at the first and second player stations of the game station may play one or more games, such as multiple games of keno or bingo, using the first playing surface. Those players may at the same time play a first game presented on the first video display and a second game presented on the second video display.

Applicants assert that the prior art does not teach or suggest a game station having such a configuration.

Applicants note that the Examiner has cited (both in the present Office Action and in prior actions) references that do not teach the elements of the invention as claimed. For example, the Examiner has repeatedly cited Fey as illustrating gaming machines arranged in “back to back” configuration. However, an arrangement of two individual gaming machines so that they are adjacent one another but facing in opposing directions does not meet the claimed configuration of a single game station having first and second sides defining play stations.

Applicants also note that the Examiner has and continues to indicate rejections where a plurality of references are cited as identifying particular individual features and those references are then simply combined based upon asserted “design choice”. A bald assertion of “design choice”, however, lacks any objective evidence or support for obviousness as is required by KSR Int'l v. Teleflex, 550 U.S. 398 (2007).

In this vein, the Examiner has broadly asserted that “the designer may build the cabinet in any configuration desired without changing the workings of the device.” This is effectively an assertion

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that no configurations of gaming machines can ever be patentable if they utilize known elements. This is contrary to the law. As stated by the Court of Appeals for the Federal Circuit, “[v]irtually all inventions are combinations and virtually all are combinations of old elements.” Intel Corp. v. U.S. Int'l Trade Comm., 946 F.2d 821, 842, 20 U.S.P.Q.2D (BNA) 1161, 1179 (Fed. Cir. 1991). Nonetheless, “it may be that the combination of the old elements is novel and patentable.” Clearstream Wastewater Sys. v. Hydro-Action, Inc., 206 F.3d 1440, 1444, 54 U.S.P.Q.2D (BNA) 1185, 1189 (Fed. Cir. 2000).

In addition, the Examiner’s assertion is over-broad. While gaming machines are known to have video screens and housings and the like, particular configurations of those elements may result in particular benefits (i.e. they do change the workings of the device) and may still be patentable (otherwise there would also be no new patents issued on configurations of gaming machines). For example, the Examiner asserts that the location of the recited housing/wagering devices is a matter of design choice and has no effect on the function of the game station. However, the claimed configuration is a deviation from the prior art that results in among other benefits, particular advantages relating to ease of manufacture. As indicated above, the Examiner cites Fey as showing gaming machines arranged back to back. As previously noted, notwithstanding that Fey teaches two gaming machines and not a single game station having two sides, in a “back to back” configuration such prior art gaming machines are in inverse relationship (for example, if the gaming machines of the prior art have pull handles at the right side, then when the gaming machines are arranged back to back, the handles remain at the right side of each machine and thus on opposing sides of the pair of machines when viewed from above). On the other hand, Applicant claims a game station wherein

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a housing is located between a console and an end of the unit so that the housing is located at one end of the unit (and thus at the right side when viewed by a player at one side and at the left side when viewed by a player at the opposing side). This “non-symmetric” configuration is contrary to the prior art and has the advantage that during manufacture a single housing can be constructed to house the wager accepting devices for the player stations at opposing sides of the unit, rather than two different housings at opposing ends of the unit for each of the two player stations. Thus, while such a configuration may not have particular significance to a player, such differences in configuration can have result in various other advantages. In this regard, a great many inventions surround improvements that don’t greatly change the product to a consumer, but do have other benefits (such as ease of manufacture, reduced shipping size/weight, etc.).

In this same vein, the Applicants have previously noted the claimed advantages resulting from a single game station that is configured for two players and which is configured to present multiple independent games to each of those two players. While gaming machines with video displays are known, Applicants assert that the present invention is a non-obvious configuration of multiple displays and a play surface for presenting varied type of games in independent fashion. This configuration is pleasing to a player who then has a variety of play options, but is also advantageous to a casino because such options result in higher game play by a player.

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Dependent Claims 62-69

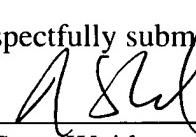
Dependent Claims 62-69 are believed to be allowable for at least the reason that they depend from allowable independent Claim 61. In view of this, Applicants have not specifically addressed the independent basis of patentability of those claims.

Summary

Applicants assert that Claims 61-69 are in a condition for allowance and respectfully request a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Dated: November 9, 2009 By:

Respectfully submitted,


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